

Maasai International Solidarity Alliance (MISA)*

Newsletter – September 2023, part 2

Thanks to the unwavering support from our dedicated global community and partners, we welcome you to the Maasai International Solidarity Alliance newsletter. We're on a mission to provide you with comprehensive updates from the ground. You'll get first-hand insights into the current scenario in both Ngorongoro and Loliondo, as well as other areas facing land dispossession by the Government. Stay tuned for the latest on community actions and the strides we've taken in our journey so far.

Tanzanian High Court rules that Pololeti Game Controlled Area (Loliondo) was established illegally

The Tanzanian High Court in Arusha delivered a judgment on September 19 concerning the declaration of the Pololeti Game Controlled Area by the Minister of Natural Resources and Tourism. This declaration by the minister was made on 17th June 2022 amid a chaotic and violent operation, leading to the displacement of thousands Maasai community in the western Loliondo and Southern Sale divisions of the Ngorongoro District. After more than a year, the Court pronounced its decision on a judicial review challenging the legality of this ministerial action. The Applicants aimed to overturn the minister's decision based on alleged illegalities, violation of the principle of natural justice (lack of consultation), illegality, irrationality, unreasonableness, procedural impropriety and violent acts.

Key points from the judgment include:

1. The Court determined there was no consultation in the process of establishing and declaration of the Pololeti Game Controlled Area, rendering the process void.
2. The Pololeti Game Controlled Area is now dissolved for two reasons: mandatory consultation was lacking, and the president's subsequent decision to create a Game Reserve on the same land automatically repealed its status.
3. Concerning the violent operations last year, the Court found no evidence linking the minister to the decision to deploy security forces or use military force in the Loliondo operation. The Court found that the minister was not involved in demarcating village land; therefore, any illegalities in this process cannot be attributed to the minister.
4. The Court noted that the evictions occurred under the minister's legal authority to declare a Game Controlled Area.
5. The Court clarified that the Game Controlled Areas created in 1951 and 1974 were not terminated even after the Wildlife Conservation Act of 2009 was enacted. Despite the law stating that village land and Game Controlled Areas shouldn't coexist, they have continued to do so for over fourteen years. This unique situation is specific only to Loliondo, the Court says.
6. The disputed 1502 square kilometres is registered village land for fourteen villages, with its title unchallenged by the government.

7. Post-2009, the minister lacks the authority to create or continue a Game Controlled Area within village land. However, Game Controlled Areas don't end just because of the law's enactment; a specific ministerial order is required to terminate them. It's not an automatic revocation.
8. The minister's Game Controlled Area declaration is automatically repealed if the president establishes a Game Reserve on the same land.
9. The law mandates consultations that must include all 14 affected village lands, the Ward, and the Ngorongoro District Council. Due to the lack of these consultations, the minister's declaration of the Game Controlled Area is set to be terminated.

Separately, on 22/8/2023, the High Court stayed (suspended operation) of the president's decision to declare the Pololeti Game Reserve (Government No 604/2022) until the final ruling on Application No 18 of 2023. Considering the unlawful foundation of the Game Controlled Area and the suspension of the Game Reserve, it is now established that, legally speaking, human activities, such as grazing, can continue as they did before these declarations.

Whether the government will uphold the Court's decision and grant unrestricted access to the 1502 square kilometres remains to be seen. Maasai lawyers have expressed that while they agree and support the Court ruling that makes Pololeti Game Reserve illegal, they will internally discuss and decide on next steps.

Human rights lawyer Joseph Moses Oleshangay gathers testimonies from people arrested in recent weeks in connection to the ongoing forced evictions in Ngorongoro

Over 60 people have been arrested mostly in Endulen, Ngorongoro in the last weeks. Their stories are impactful accounts of the violence perpetrated against the Maasai in Northern Tanzania, who refuse to leave their lands. Read an extract of Joseph's diary [here](#).

Opposition Leader Tundu Lissu denied entry into NCA and arrested for holding 'unlawful assembly'

After his well-attended political rally in Loliondo, Tundu Lissu was expected to speak to the crowds in Ngorongoro Conservation Area (NCA) on 10 September 2023. Yet he and his group were blocked at the entrance gate and denied entry to Ngorongoro.

Maasai community members, who had patiently waited inside Ngorongoro for Tundu Lissu to appear, decided to stage a peaceful protest.



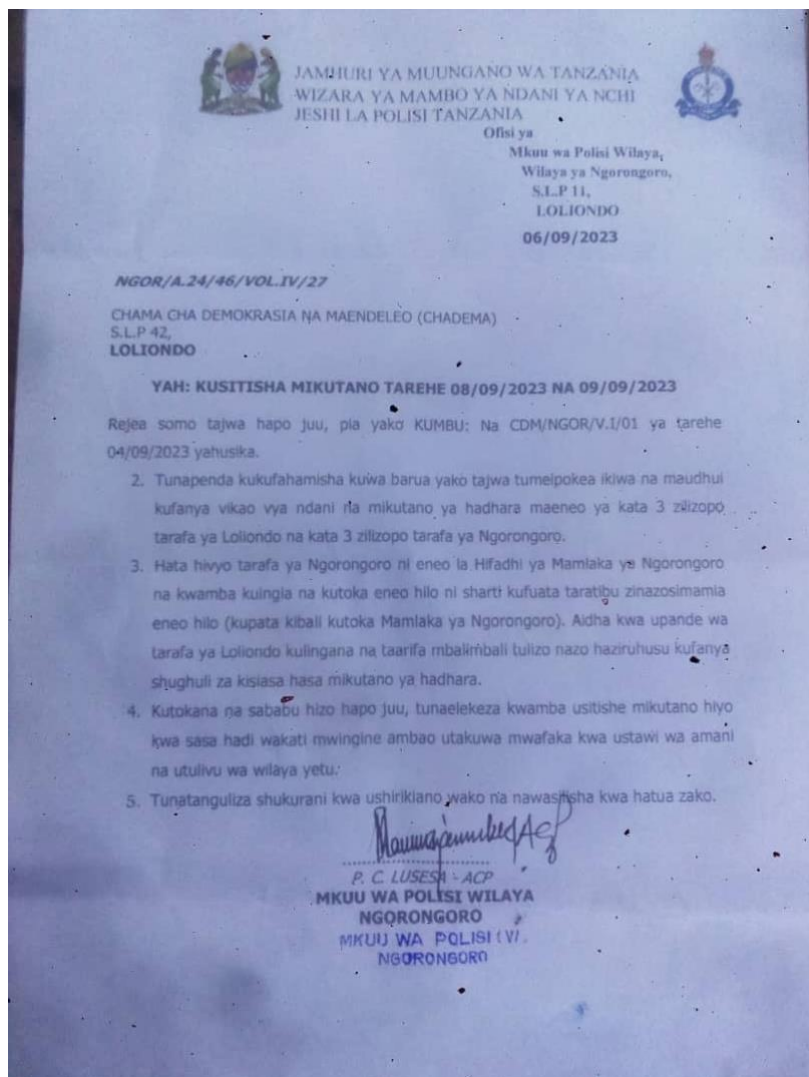
Maasai in NCA waiting for Tundu Lissu's political rally



The situation outside of Arusha police station where Tundu Lissu is giving his statement on 11 September 2023

This happened despite President Samia's announcement that she had lifted the 6-year ban on political rallies, following which Lissu returned from exile. Lissu was arrested for holding 'unlawful assembly' and, very worryingly, could not be located for many hours before he was released on police bail. Tanzania's main opposition party

(CHADEMA) notified the police of its intention to hold political parties in Ngorongoro District, particularly in the Loliondo and Ngorongoro areas most affected by the ongoing displacement of the Maasai community. On 6 September 2023, police responded by denying CHADEMA the right to hold political rallies in Loliondo on the pretext of undisclosed security concerns and stating that, in Ngorongoro, holding political rallies must comply with undisclosed rules of the NCA. Lissu and his party successfully held rallies in Loliondo despite the police stance but were refused entry to Ngorongoro by the police, allegedly for not having entry permits. Lissu and his convoy had already paid permits for two cars with 14 persons and were informed by the NCA officers in the Karatu office that the payment for the remaining cars and persons would be made at the entrance gate to the NCA. The police, who earlier said they were not responsible for entry requirements into Ngorongoro, blocked the main road to obstruct Lissu and his convoy from entering the area. Arrest in Ngorongoro was made under the pretext of lack of permit, whereas several cars already had entry permits before the road blockade.



In Endulen, women led peaceful sit-in demonstration against the ongoing lawlessness in Ngorongoro. Police rounded up women meetings on 10th September 2023 with

teargas just a day after Tundu Lissu's entry denial into Ngorongoro to address three scheduled political rallies.



Riot police rounding up a women's gathering in Endulen on 10 September 2023. The women sit in peaceful protest against the government's denial of social services and refusal of Lissu's entry into Ngorongoro

Two women from Ngorongoro arrested

Glory Julius and Noonguta Peshut were arrested by the police during a women's peaceful gathering in Endulen where they were demanding their rights, which the NCA and government have violated with impunity. Live bullets and tear gas were fired by police led by the Arusha Police Commander at different places in Endulen.

These arrests took place on 10 September, and two women were detained at the Ngorongoro police station and then taken to Karatu, where they were aimlessly driven around without being taken to any police station. Their arrest generated [an outcry](#), as one woman is breastfeeding and had to leave her baby, and the other is over 65 years old and has health issues. Both women were released on bail with instructions to report back on 11 September. Upon reporting, they were again instructed to return on 12 September. When they complied with this request, they were once more told to report back on 15 September and 21 September.



Social media campaign to get the two women released

Maasai gather for Pololet Court Ruling expected on 11 September - Ruling postponed as judge is in transit

The Maasai community is contesting the decision by the Minister of Natural Resources and Tourism to convert their homes, pastures, and village lands into a Game Controlled Area. Originally set for a verdict on 1 September 2023, the case was pushed to 11 September and then again to 19 September because the presiding judge was traveling. It's crucial to differentiate this case from another one that opposes the President's designation of the same land as a Game Reserve, just three months after the minister's Game Controlled Area declaration. The High Court has already paused the implementation of the President's Game Reserve order until the primary case is decided. If the Maasai win the current delayed case, they can at least use the land to graze their animals during dry periods while waiting for the outcome of the President's Game Reserve case.



Maasai waiting outside of Arusha Court for Polelet ruling

Maasai leaders from 17 districts denounce state-organised [Maasai Festival](#): “This fake festival is misusing Maasai culture.”



Meeting of traditional Maasai leaders in Siha, Kilimanjaro Region

While state institutions are on the raid against the Maasai community in every single portion of land, the government and its affiliates are organising a propaganda machine through “Maasai festivals”. The objective of such festivals is to hide the hard reality of the situation of the Maasai community. Maasai leaders from 17 districts have [spoken up against](#) the [misuse](#) of the Maasai culture and traditions that try to hide ethnic hatred.

Maasai councillors from Loliondo once again reject proposed land-use plan

On 10 September, Maasai councillors met in Loliondo. Councillors were under high pressure to approve the proposed land-use plan they had previously rejected. Security forces were seen all around the meeting. The councillors refused again to approve the proposed district land-use plan. They also refused the Director of the National Land Use Commission the right to address the Council since they had no prior information about his visit and that his addressing the full Council is against the Council regulations. The 24 councillors signed to reject the proposed district land-use plan.

Maasai of Loliondo come in great numbers to meet Tanzanian opposition leader Tundu Lissu

On 8 September, crowds gathered in Ololosokwan to hear Tanzanian opposition leader Tundu Lissu. It was expected that Lissu would cancel his visit to Loliondo following attempts to deny him the right to organise political rallies in Ngorongoro. But he was unstoppable. The Maasai want political change.



Crowd gathering in Ololosokwan, 8 September 2023

More Pressure on the Community, More Resistance to the Perpetrators

On September 12, 2023, Ngorongoro Conservation Area Authority officers and Ngorongoro District community development officers visited different villages affected by the forceful establishment of a Game Reserve in Loliondo. At Oloipiri, they told the

village council that they want to build strong ties with the village as good neighbors. The village council members led by its chairperson rejected this unsolicited friendship founded from illegalities committed in June 2022. The villagers also refused to sign any document for fear of being misused by the government as it has been a norm. This comes just a day after the Ngorongoro District Council rejected, for the second time on 10 September 2023, the draft for proper land use that was prepared without involving the villages.

Three Green/EFA MEPs denied entry to Tanzanian territory

The Members of European Parliament (MEPs) Michèle Rivasi, Claude Gruffat and Pierrette Herzberger-Fofana were due to travel to Tanzania on Monday 4 September, as part of an independent observation mission following civil society alerts on evictions suffered by members of the Maasai indigenous community and the arbitrary arrests and detentions of which they are alleged to be victims.



MEP Rivasi and the ambassador of Tanzania to the EU after the [event held at the European Parliament](#) on 31 May 2023

After months of preparation and while all the details of this mission were settled, the Tanzanian Government, through its ambassador to the European Union (EU), said it had decided to “defer this visit to a later date”, 24 hours before the delegation should have left Brussels. This incomprehensible decision calls into question all the work

done in cooperation with the Tanzanian Government, NGOs and EU representatives. [This news](#) comes after the Tanzanian ambassador to the EU had publicly stated during a European Parliament event in May 2023 that the MEPs would be welcome to visit Tanzania and verify facts independently.

This is the third observation mission to Tanzania aborted by the government, following attempts by Mr Francesco Cali, UN Special Rapporteur on the Rights of Indigenous Peoples, in December 2022 and then by UNESCO World Heritage in August 2023. Government interference has also prevented the African Commission on Human and Peoples' Rights from freely conducting its observation mission in January 2023.

NCAA rangers invade home in Ormekeke and arrest Councillor for Alaitole Ward



On 1 September 2023, the police broke into a few houses in Endulen in what seems to be a hunt for village chairpersons. Six doors were broken, including that of the Chairperson of Nasipooriong Village, his siblings and his mother. Reports indicate that rangers beat his wife and stole 400 kg of honey.

The Councillor for Alaitole Ward and Village Chairperson for Endulen Village were arrested and released six days later. These incidents create a climate of fear in Endulen.

Tanzania to be hosting the 77th session of the African Commission on Human and Peoples' Rights (ACHPR) in Arusha

The 77th Ordinary Session of the African Commission on Human & Peoples' Rights (ACHPR) is [scheduled to take place](#) from Friday 20 October to Thursday 9 November, 2023 in Arusha, Tanzania. This is happening 9 months after ACHPR promotional mission of 23rd January to 27th January 2023 to Tanzania. This visit, which was to examine human rights violations against the Maasai, was condemned by Indigenous peoples and civil society organizations for being controlled and censored by the government and not engaging with affected communities. The report of that mission has still not been made public.

Indigenous peoples' organizations view the selection of Tanzania to host the 77th Ordinary Session of the ACHPR as both ridicule and untimely given the current record of human right violations against the Maasai. They believe this is a strategy of the Tanzanian Government to camouflage its tainted human right record by pretense of commitment to support human rights. It is hoped that the session will provide an opportunity for the Maasai to attend in numbers, share their testimonies and amplify their voices given the proximity of their lands to where the session will take place (Arusha). This event could be used as an opportunity for Maasai to share their plight with indigenous peoples and human right actors across the Continent. It is also an opportunity to push for an ACHPR resolution on the situation of the Maasai peoples and to call for the full report of the promotion mission that visited the country in January to be made public.

Media links:

<https://www.theleftberlin.com/stop-the-repression-in-tanzania/> (article by Joseph Oleshangay on the situation in Ngorongoro)

<https://twitter.com/i/status/1701131502837256519> (BBC interview on the situation in Ngorongoro with activist Maria Sarungi)

<https://youtu.be/W52Z32q150o?si=BRhrA0XdOiFuz1Xy> (Statement in Swahili by Maasai Traditional leaders over misuse of Maasai culture)

<https://youtu.be/bqY1GrUeB5M> (statement by the Legal and Human Rights Centre on the situation in Ngorongoro, in Swahili)

*** What is the Maasai International Solidarity Alliance (MISA)?**

The Maasai International Solidarity Alliance (MISA) is an international alliance standing in solidarity with the Maasai of Ngorongoro Conservation Area and Loliondo in northern Tanzania. We bring together faith-based organisations, human rights organisations, international aid and development organisations as well as researchers. Our alliance includes, among others, the Africa Europe Faith Justice Network (AEFJN), Agrecol Association for AgriCulture & Ecology, Coalition of European Lobbies for Eastern African Pastoralism (CELEP), *Coopération Internationale pour le Développement et la Solidarité* (CIDSE, International Cooperation for Development and Solidarity), Food First Information and Action Network (FIAN), *Koordinierungsstelle der Österreichischen Bischofskonferenz* (KOO, Coordinating Office of the Austrian Bishops' Conference), Gesellschaft für bedrohte Völker, Misereor and Welthaus Graz. Our main objective is to put an end to the human rights violations facing the Maasai of northern Tanzania. In June 2023, we jointly organised a lobbying tour to Germany, Austria, Belgium and Italy, which enabled a Maasai delegation to voice their concerns to European decision-makers and trigger international solidarity. We support the voices of grassroots organisations representing the Maasai at

the local level, such as PINGO's (Pastoralists Indigenous Non-Governmental Organisations) Forum, UCRT (Ujamaa Community Resource Team), PWC (Pastoral Women's Council), First Nation Land Governance (FINAL GOVERNANCE), TEST (Traditional Ecosystems Survival Tanzania), IDINGO (Integrated Development Initiative in Ngorongoro) and PALISEP (Pastoralist Livelihood Support and Empowerment Program). These grassroots organisations are well recognised for their long-standing work in Maasai communities and are in regular contact with affected communities and their representatives, including traditional leaders, women and youth as well as councillors / village chairpersons. We are also supported by Tanzanian lawyers representing the Maasai in the several court cases that have been launched to address the violations of their land rights.